GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Municipal Administration & Urban Development Department. – Chodimella Gram Panchayat – Change of Land use from Agricultural use to Residential use to an extent of Ac.4.56 cents in R.S.No.277/1(P), 246/3, 247/2, 3(P) of Chodimella (V) & GP, Eluru as applied by Sri P. Lakshmi Narayana and 2 others – Draft Variation – Confirmation – Orders - Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (H1) DEPARTMENT

G.O.Ms.No.99 Dated:05.03.2019

Read the following:

1. From the DTCP, A.P., Guntur, Lr.Roc.No.4148/2016/R2, dt:16.09.2016.
2. Govt. Memo No.369871/H1/2016, dt:30.01.2017.
3. From the DTCP, AP, Guntur, Lr.Roc.No.4148/2016,/R2,dt:10.05.2017.
4. Govt. Memo No.11411/I2/2011, MA&UD (I2) Dept.,dt:30.06.2012.
5. Govt. Memo No.369871/H1/2016, MA&UD (H1) Dept., dt.23.06.2017.
6. A.P Extraordinary Gazette No.244, Part.1, Dt.27.06.2017.
7. Objection from Sri N. Krishna Murthy, Advocate, Eluru, representing Sri Ghanta Satyanarayana, rep. M/s. Laxmi Priya Rice Mill dt:31.07.2017.
8. Govt. Memo No.369871/H1/2016, MA&UD Dept., dt.02.08.2017
9. From the DT&CP., A.P., Lr,Roc.No.4148/2016/R2, dt.19.09.2017
10. Govt. Letter No.369871/H1/2016, MA&UD Dept., dt.13.10.2017
11. From the Collector & District Magistrate, Eluru, D.Dis.No.D3/ 2017(d-1045641) dt:27.11.2018.
12. From the Panchayath Secretary, Chodimella G.P., Letter dated:29.01.2019 addressed to Prl. Secretary to Govt. MA&UD Dept.

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ORDER:-

The draft variation to the land envisaged in Eluru General Town Planning Scheme, issued in reference 5th read above, was published in Extraordinary Andhra Pradesh Gazette No.244, Part-I, Dt:27.06.2017. The Director of Town & Country Planning, AP, Guntur in the reference 3rd read above has reported that the Panchayat Secretary, Chodimella Gram Panchayat, Eluru Mandal, West Godavari District has informed that the applicant has paid an amount of Rs.36,910/- vide Challan No.41923, Dt.10.02.2017 towards Development / Conversion charges. The Director of Town & Country Planning in the referenced 9th read above has reported that, the Panchayat Secretary, Chodimella Gram Panchayat has informed that the Gram Panchayat has published the draft variation appendix notification pertaining to the Change of land use, one in The Hindu (English version) and one in Eenadu (Telugu version) on 04.07.2017. On publication of notification, no complaints/ suggestions were received from the public within the stipulated time. However, in the reference 7th read above, one objection was received by the Government from Sri N.Krishna Murthy Advocate, Eluru on behalf of their client M/s.Lakshmi Priya Rice Mill on the proposed change of land, wherein they requested not to accord permission to convert Ac.4.56 cents of Chodimella Village, as the said land is under the Agreement of Sale with their client and their client has got every objection to convert the said land more particularly Ac.0.84 cents covered by in R.S.No.247/3 of Chodimella Village.

2. Government, after conducting hearing with both the applicants and complainant, after detailed and careful examination of the issue, observed / found that, the contention of Sri Ghanta Satyanarayana, rep. M/s. Laxmi Priya Rice Mill is that there exists an un registered sale agreement towards the purchase of some portion of the land, to an extent of Ac.0.84 cents in R.S.No.247/3 out of total extent of Ac.4.56 cents applied for change of land use. Whereas the applicants Sri P. Lakshmi Narayana and 2 others deny the existence of any such sale agreement and submitted that there was a sale agreement with

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the complainant for some other land, other than the subject land, and the complainant alleged to have violated the agreement conditions and the applicants have filed a suit for specific performance, which has been pending before a competent civil court. The Joint Collector, who has been asked to enquire into the subject land confirms that the title documents, in possession of the applicants are genuine and they have been in possession of the land since the date of purchase. As such, it is established that the title of the land is with the applicants only. Even if it is assumed that the claim of the complainant is genuine, the remedy for the complainant lies before a competent civil court. Hence, it is concluded that there are no valid grounds in the objection raised by Sri Ghanta Satyanarayana, rep. M/s. Laxmi Priya Rice Mill.

3. Government accordingly, confirmed the draft variation issued in the reference 5th read above.

4. The appended notification shall be published in the next issue of the Andhra Pradesh Gazette on 06.03.2019.

(**BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

R. KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase, AP, Vijayawada.
The Director of Town and Country Planning, Andhra Pradesh, Guntur.
The Commissioner, Eluru Municipal Corporation, Eluru, W.G. District.
The Panchayat Secretary, Chodimella Gram Panchayat, Eluru, W.G. District.

Copy to:

The individual through the Panchayat Secretary, Chodimella Gram Panchayat, Eluru, W.G. District.
The District Collector, West Godavari District.
SF/SC.

// FORWARDED :: BY :: ORDER //

SECTION OFFICER

APPENDIX
NOTIFICATION

The following variation to the Eluru General Town Planning Scheme, the Master Plan, sanctioned in G.O.Ms.No.312, MA., dated:25.07.1975 proposed to make in exercise of the powers conferred by clause (a) of sub-section (2) of Section 15 of the Andhra Pradesh Town Planning Act, 1920 (Act VII of 1920) is hereby published as required by clause (b) of sub-section (2) of the said section.

VARIATION

The site in R.S.No.277/1(P), 246/3, 247/2, 3(P) of Chodimella (V) & Gram Panchayat, Eluru (M), W.G. District to extent of Ac.4.56 cents and the boundaries of which are as shown in the schedule hereunder and which is earmarked for Agricultural land use in the General Town Planning Scheme (Master Plan) of Eluru Town, sanctioned in G.O.Ms.No.312, MA Dt:25.07.1975 is now designated for Residential use by variation of change of land use basing on the Council Resolution No:22/2016, dated:06.07.2016 as marked as "A to O" in the revised part proposed land use map bearing G.T.P. Map No.22/2017/R available in the Panchayat Office of Chodimella Gram Panchayat, **subject to the following conditions that;**

1. The applicants shall provide Recreational / Green Belt abutting to field bodhi & Tank which are in existence on Northern side of the site under reference as per G.O.Ms.No.119, MA&UD, dt:28.03.2017.

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2. The applicants shall not disturb the irrigation field bodhies if any in existence and should not be closed, if irrigation facilities are required by the others through the site under reference.
3. The applicant shall take prior approval from the Competent Authority before commencing any work.
4. The title and Urban Land Ceiling / Agricultural land ceiling aspect shall be scrupulously examined by the concerned authorities i.e., Urban Development Authorities / Municipal Corporations / Municipalities before issue of building permission / development permission.
5. The above change of land use is subject to the conditions that may be applicable under the Urban Land Ceiling Act, 1976 and A.P. Agriculture Ceiling Act.
6. The owners / applicants are solely responsible for any misrepresentation with regard to ownership / title, Urban Land Ceiling Clearances etc. The owners / applicants shall be responsible for any damage claimed by any one on account of change of land use proposed.
7. The change of land use shall not be used as the proof of any title of the land.
8. The change of land use shall not be used as the sole reason for obtaining exemption from the provisions of Urban Land Ceiling Act, 1976.
9. Any other conditions as may be imposed by the competent authority.

SCHEDULE OF BOUNDARIES

North	:	Vacant land, Field bodhi & Tank.
East	:	Vacant land & Open space
South	:	Residential plots and 40’-0’’ and 33’-0’’ wide roads.
West	:	Boundary of Dondapadu village and vacant land.

R. KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER